

	)	
Parker Tirrell, et al.	)	
Plaintiffs,	)	
	)	
v.	)	Case No. 24-cv-00251-LM-TSM
	)	
Frank Edelblut, et al.	)	
Defendants.	)	
	)	

NOW COME the Pemi-Baker Regional School District, Bonnie Acton, Greg Aprilliano, Lisa Ash, Paul Ciotti, Sheila Donahue, Peter Jackson, Phil McCormack, Bernice Sullivan, Tony Torino, Carolyn Varin, Barbara Noyes, and Paul Pizzano as members of the Pemi-Baker Regional School Board in their official capacities (Pemi-Baker Defendants) and Answer the Complaint as follows:

The introduction is descriptive of Plaintiffs' overall claim to which no response is necessary. The factual allegations in the Introduction are addressed in the numbered paragraphs of the Complaint.

### **JURISDICTION AND VENUE**

1. The allegation is descriptive of Plaintiffs' claim to which no response is necessary.
2. Pemi-Baker Defendants admit the allegations.
3. Pemi-Baker Defendants admit the allegations.
4. Pemi-Baker Defendants admit the allegations.
5. Pemi-Baker Defendants admit the allegations.

### **PARTIES**

6. Pemi-Baker Defendants admit the allegations.
7. Pemi-Baker Defendants admit the allegations.
8. Pemi-Baker Defendants admit the allegations.
9. Pemi-Baker Defendants admit the allegations.
10. Pemi-Baker Defendants admit the allegations.
11. Pemi-Baker Defendants admit the allegations.
12. Pemi-Baker Defendants admit the allegations.
13. Pemi-Baker Defendants admit the allegations.
14. Pemi-Baker Defendants admit the allegations.
15. Pemi-Baker Defendants admit the allegations.
16. Pemi-Baker Defendants admit the allegations.
17. Pemi-Baker Defendants admit the allegations.
18. Pemi-Baker Defendants admit the allegations.
19. Pemi-Baker Defendants admit the allegations.

20. Pemi-Baker Defendants admit the allegations.
21. Pemi-Baker Defendants admit the allegations.
22. Pemi-Baker Defendants admit the allegations.
23. Pemi-Baker Defendants admit the allegations.
24. Pemi-Baker Defendants admit the allegations.
25. Pemi-Baker Defendants admit the allegations.
26. Pemi-Baker Defendants admit the allegations.
27. Pemi-Baker Defendants admit the allegations.
28. Pemi-Baker Defendants deny that Sam Brickley is a proper party to this action.

Mr. Brickley resigned from the Pemi-Baker Regional School Board in July 2024 and was dismissed as a defendant by Order of this Court on August 21, 2024.

29. Pemi-Baker Defendants admit the allegations.
30. Pemi-Baker Defendants admit the allegations.
31. Pemi-Baker Defendants admit the allegations.
32. Pemi-Baker Defendants admit the allegations.
33. Pemi-Baker Defendants admit the allegations.
34. Pemi-Baker Defendants admit the allegations.

## **FACTS**

### **I. Transgender Adolescents and Participation on School Sports.**

35. Pemi-Baker Defendants lack knowledge or information sufficient to form a belief about the truth of the allegations.

36. Pemi-Baker Defendants lack knowledge or information sufficient to form a belief about the truth of the allegations.

37. Pemi-Baker Defendants lack knowledge or information sufficient to form a belief about the truth of the allegations.

38. Pemi-Baker Defendants lack knowledge or information sufficient to form a belief about the truth of the allegations.

39. Pemi-Baker Defendants admit the allegations.

40. Pemi-Baker Defendants admit that DSM-5 lists gender dysphoria as a mental disorder but they lack knowledge or information sufficient to form a belief about the truth of the remaining allegations.

41. Pemi-Baker Defendants lack knowledge or information sufficient to form a belief about the truth of the allegations.

42. Pemi-Baker Defendants lack knowledge or information sufficient to form a belief about the truth of the allegations.

43. Pemi-Baker Defendants lack knowledge or information sufficient to form a belief about the truth of the allegations.

44. Pemi-Baker Defendants lack knowledge or information sufficient to form a belief about the truth of the allegations.

45. Pemi-Baker Defendants lack knowledge or information sufficient to form a belief about the truth of the allegations.

46. Pemi-Baker Defendants lack knowledge or information sufficient to form a belief about the truth of the allegations.

47. Pemi-Baker Defendants lack knowledge or information sufficient to form a belief about the truth of the allegations.

48. Pemi-Baker Defendants lack knowledge or information sufficient to form a belief about the truth of the allegations.

49. Pemi-Baker Defendants lack knowledge or information sufficient to form a belief about the truth of the allegations.

**II. New Hampshire's Total Exclusion of Transgender Girls from Participation in Middle and High School Sports.**

50. Pemi-Baker Defendants admit the allegations.

51. Pemi-Baker Defendants admit the information is on the NHIAA website.

52. Pemi-Baker Defendants admit the information is in the NHIAA Constitution on the NHIAA website.

53. Pemi-Baker Defendants admit the information is in the NHIAA Bylaws on the NHIAA website.

54. Pemi-Baker Defendants admit the information is on the NHIAA website.

55. Pemi-Baker Defendants admit the information is in the Bylaws on the NHIAA website but lack knowledge or information sufficient to form a belief about the truth of the remaining allegations including those in Footnote 2.

56. Pemi-Baker Defendants admit the information is in the NHIAA Bylaws on the NHIAA website.

57. Pemi-Baker Defendants admit the information is in the NHIAA Policy on the NHIAA website.

58. Pemi-Baker Defendants admit the information is in the NHIAA Policy on the NHIAA website.

59. Pemi-Baker Defendants admit the information is in the NHIAA Policy on the NHIAA website.

60. Pemi-Baker Defendants admit that HB1205 was enacted on July 19, 2024, but deny it was effective August 19, 2024. By way of further answer, the effective date was August 18, 2024.

61. The allegations are statements of law to which no response is necessary.

62. The allegations are statements of law to which no response is necessary.

63. The allegations are statements of law to which no response is necessary.

64. The allegations are statements of law to which no response is necessary.

65. The allegations are statements of law to which no response is necessary.

66. The allegations are statements of law to which no response is necessary.

67. The allegations are statements of law to which no response is necessary.

### **III. Plaintiffs' Medical Treatment and Participation in Sports.**

#### **A. Parker Tirrell.**

68. Pemi-Baker Defendants admit the allegations.

69. Pemi-Baker Defendants admit the allegations.

70. Pemi-Baker Defendants admit the allegations.

71. Pemi-Baker Defendants admit the allegations.

72. Pemi-Baker Defendants lack knowledge or information sufficient to form a belief about the truth of the allegations.

73. Pemi-Baker Defendants lack knowledge or information sufficient to form a belief about the truth of the allegations.

74. Pemi-Baker Defendants lack knowledge or information sufficient to form a belief about the truth of the allegations.

75. Pemi-Baker Defendants lack knowledge or information sufficient to form a belief about the truth of the allegations.

76. Pemi-Baker Defendants admit the allegations except that they lack knowledge or information sufficient to form a belief about what Parker did “elsewhere”.

77. Pemi-Baker Defendants lack knowledge or information sufficient to form a belief about the truth of the allegations.

78. Pemi-Baker Defendants admit the allegations.

79. Pemi-Baker Defendants admit that Parker played sports in middle and high school school but lack knowledge or information sufficient to form a belief about the truth of the remaining allegations.

80. Pemi-Baker Defendants admit the allegations.

81. Pemi-Baker Defendants lack knowledge or information sufficient to form a belief about the truth of the allegations.

82. Pemi-Baker Defendants admit the allegations in the first sentence and that in the 2023-2024 school year the girls’ soccer team did not win a single game. Pemi-Baker Defendants lack knowledge or information sufficient to form a belief about the truth of the remaining allegations.

83. Pemi-Baker Defendants lack knowledge or information sufficient to form a belief about the truth of the allegations.

84. Pemi-Baker Defendants lack knowledge or information sufficient to form a belief about the truth of the allegations.

85. Pemi-Baker Defendants lack knowledge or information sufficient to form a belief about the truth of the allegations.

86. Pemi-Baker Defendants lack knowledge or information sufficient to form a belief about the truth of the allegations.

87. The allegations are legal conclusions upon which the Pemi-Baker Defendants take no position.

88. The allegations are legal conclusions upon which the Pemi-Baker Defendants take no position.

**B. Iris Turmelle.**

89. Pemi-Baker Defendants lack knowledge or information sufficient to form a belief about the truth of the allegations.

90. Pemi-Baker Defendants admit the allegations.

91. Pemi-Baker Defendants admit the allegations.

92. Pemi-Baker Defendants lack knowledge or information sufficient to form a belief about the truth of the allegations.

93. Pemi-Baker Defendants lack knowledge or information sufficient to form a belief about the truth of the allegations.

94. Pemi-Baker Defendants lack knowledge or information sufficient to form a belief about the truth of the allegations.

95. Pemi-Baker Defendants lack knowledge or information sufficient to form a belief about the truth of the allegations.

96. Pemi-Baker Defendants lack knowledge or information sufficient to form a belief about the truth of the allegations.



97. Pemi-Baker Defendants lack knowledge or information sufficient to form a belief about the truth of the allegations.

98. Pemi-Baker Defendants lack knowledge or information sufficient to form a belief about the truth of the allegations.

99. Pemi-Baker Defendants lack knowledge or information sufficient to form a belief about the truth of the allegations.

100. Pemi-Baker Defendants lack knowledge or information sufficient to form a belief about the truth of the allegations.

101. Pemi-Baker Defendants lack knowledge or information sufficient to form a belief about the truth of the allegations.

102. Pemi-Baker Defendants lack knowledge or information sufficient to form a belief about the truth of the allegations.

103. The allegations are legal conclusions upon which the Pemi-Baker Defendants take no position.

104. The allegations are legal conclusions upon which the Pemi-Baker Defendants take no position.

## **CLAIMS FOR RELIEF**

### **COUNT I**

#### **(FOURTEENTH AMENDMENT – EQUAL PROTECTION)**

105. Pemi-Baker Defendants incorporate their responses to the preceding paragraphs of the Complaint.

- 106. The allegations are descriptive of Plaintiffs' overall claim to which no response is necessary.
- 107. The allegations are statements of law to which no response is necessary.
- 108. The allegations are legal conclusions upon which the Pemi-Baker Defendants take no position.
- 109. The allegations are legal conclusions upon which the Pemi-Baker Defendants take no position.
- 110. The allegations are legal conclusions upon which the Pemi-Baker Defendants take no position.

**COUNT II**  
(VIOLATION OF TITLE IX, 20 U.S.C. § 1681 et seq.)

- 111. Pemi-Baker Defendants incorporate their responses to the preceding paragraphs of the Complaint.
- 112. The allegations are statements of law to which no response is necessary.
- 113. The allegations are descriptive of Plaintiffs' overall claim to which no response is necessary.
- 114. The allegations are statements of law to which no response is necessary.
- 115. The allegations are statements of law to which no response is necessary.
- 116. The Pemi-Baker Defendants admit the allegations.
- 117. The Pemi-Baker Defendants deny the allegations.

**COUNT III AND COUNT IV**

Counts III and IV do not relate to the Pemi-Baker Defendants.

WHEREFORE, the Pemi-Baker Defendants respectfully request that this Honorable

Court:

- A. Provide them with clear guidance on their obligations under HB1205; and
- B. Grant such other and further relief as this Court deems just.

Respectfully Submitted,  
PEMI-BAKER REGIONAL SCHOOL DISTRICT,  
BONNIE ACTON, GREG APRILLIANO, LISA ASH,  
PAUL CIOTTI, SHEILA DONAHUE, PETER JACKSON,  
PHIL MCCORMACK, BERNICE SULLIVAN,  
TONY TORINO, CAROLYN VARIN, BARBARA  
NOYES, AND PAUL PIZZANO AS MEMBERS OF THE  
PEMI-BAKER REGIONAL SCHOOL BOARD IN THEIR  
OFFICIAL CAPACITIES,

By their attorneys,  
SOULE, LESLIE, KIDDER, SAYWARD &  
LOUGHMAN, P.L.L.C.

By: /s/ Diane M. Gorrow  
Diane M. Gorrow, Esq. (NH Bar #4817)  
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Dated: October 10, 2024

**CERTIFICATE OF SERVICE**

I hereby certify that on this 10<sup>th</sup> day of October, 2024, copies of the foregoing Pemi-Baker Regional School District, Bonnie Acton, Greg Aprilliano, Lisa Ash, Paul Ciotti, Sheila Donahue, Peter Jackson, Phil McCormack, Bernice Sullivan, Tony Torino, Carolyn Varin, Barbara Noyes, and Paul Pizzano as Members of the Pemi-Baker Regional School Board in Their Official Capacities Answer have been served upon counsel of record via the Court's e-filing system.

/s/ Diane M. Gorrow

Diane M. Gorrow, Esquire (NH Bar #4817)